

Application No. 10/807,281
Submission Dated May 3, 2007
In Response to Office Action Dated November 3, 2006
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REMARKS/ARGUMENTS

The present remarks are in response to the final Office Action mailed on November 3, 2006. Claims 1-43 are pending in the present patent application. Claims 1-33, 35, 37-41, and 43 have been cancelled previously without prejudice. The Applicant intends to pursue some or all of these claims in a future, related application. Claims 34, 36, and 42 remain for consideration and have been rejected. The Applicant gratefully acknowledges that the Examiner has removed the 35 U.S.C. §112 rejection.

The Applicant gratefully acknowledges that the Examiner took the time to discuss the present application during a phone interview on January 3, 2007. The substance of the conversation concerned the form of claim 34 and that the Examiner and Applicant were interpreting the claim differently. In order to more clearly express the intent of the claims (*i.e.*, that the motor and flywheel are arranged within a protective sleeve, and then, together, the motor/flywheel and protective sleeve are substantially enclosed within the head region of the unitary body). The Examiner has also accurately summarized the substance of the discussion in the Interview Summary that is already part of the file history, noting that the claims will be "amend[ed] to establish three layers at one point, the motor, the sleeve, and the unitary body." As discussed below, the Applicants have amended the claims accordingly.

Claim 34 has been amended to recite that "the motor and the flywheel are arranged within a protective sleeve, the protective sleeve being substantially enclosed within the head region of the unitary body..." Support for the amendment can be found in the specification in at least FIG. 3b, 4a, and 5a.

1-2. Claims 34, 36, and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,046,249 to Kawara et al. (hereinafter the "Kawara patent")

In rejecting the above claims, the Examiner noted:

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...Kawara et al. '249...shows a unitary razor body with all of the limitations as seen in figure 9. The flywheel vibration device (150-152) is in proximity to the blade mount (132). The blade is vibrated along its cutting edge (lines 43-45, column 2).

The sleeve is shown best in figures 3 and 4. The sleeve is the portion of the housing that surrounds the motor.

(See Office Action of November 3, 2006, page 2, para. 2). Claim 34 (reproduced below, in amended form, for convenience) is the sole independent claim.

34. A razor, in particular for wet shaving, comprising:

a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and

functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein

the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and

the motor and the flywheel are arranged within a protective sleeve, the protective sleeve being substantially enclosed within the head region of the unitary body, the motor and protective sleeve extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation.

The applicant submits that the Kawara reference does not disclose each and every claim recitation of claim 34 (above). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claim 34 has, as noted above, been amended so that the vibration device (*i.e.*, the motor and flywheel) is positioned inside a protective sleeve that is substantially enclosed within the head region of the unitary body of the handle. The Examiner, in para. 3 of the Office Action of November 3, 2006, stated that, while he agrees that "Kawara does not show a sleeve inside of a

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unitary body of the handle, nor inside of the head...”, he does not believe that such a device is claimed. The Applicant believes that the claim, in its current form, clarifies this exact difference.

More clearly, the Kawara patent fails to disclose, teach or suggest the use of such a protective sleeve. In fact, the Kawara reference merely states that the electric rotary motor (50) is mounted within the shaver head (30). The rest of the handle (*i.e.*, the damper member 70 and the base barrel (11)) is then assembled with the shaver head (30). Such a set-up provides little flexibility during manufacture. For example, the disclosure of Kawara requires that the shaver head (30) be pre-formed, prior to inserting the motor assembly. Conversely, the protective sleeve recited in claim 34 enables the designers to select from a number of methods of manufacturing a unitary body (*e.g.*, molding a unitary handle around the protective sleeve that contains the motor). In the above example, a molding process, without the use of the protective sleeve, would render the vibration device useless (*i.e.*, the eccentric weight would be captured within the molded material and would be unable to spin). The Kawara reference does not disclose, teach or suggest these alternative manufacturing processes that are available when a protective sleeve is utilized.

Accordingly, as discussed above, because each and every recitation of claim 34 is not disclosed by the Kawara patent, claim 34 is not anticipated. Favorable reconsideration of the present rejection is respectfully requested.

Claims 36 and 42 depend from claim 34 and are, therefore, also not anticipated by the Kawara patent for at least the same reasons stated above in connection with claim 34, as well as by virtue of the additional claim recitations included therein. Favorable reconsideration of the rejections of these claims is requested, as well.

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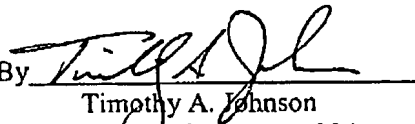
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Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

Please charge our Deposit Account No. 504112 in the amount of \$1,810.00 to cover the fees associated with Extension fee, as well as the RCE. No additional fees are believed to be due in connection with the present RCE, Amendment and Remarks. However, if it is determined that fees are required, please charge our Deposit Account.

Respectfully submitted,

By 
Timothy A. Johnson
Registration No. 51,234

Michaud-Duffy Group LLP
CenterPoint
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
Tel: (860) 632-7200
Fax: (860) 632-8269